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8/24/06

**Big Red Tomato Packers, LLC**

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August 15, 2006

Docket Clerk  
Marketing Order Administration Branch  
Fruit & Vegetable Programs, AMS, USDA  
1400 Independence Avenue SW  
Stop 0237  
Washington, D.C. 20250-0237

**Re: 7CFR Part 980  
Docket FV06-980-1 PR**

**7CFR Part 966  
Docket FV06-966-1 PR**

To Whom It May Concern:

This letter is in addition to my letter dated July 6, 2006. Please note the Palm Beach Post article date August 11, 2006.

I do not know if the USDA takes into consideration the character of a company requesting a far reaching change to a Federal Marketing Order, or their blatant lack of concern for their field workers. They have also had issues with the Florida Department of Agriculture for the same type of violations.

The only reason to change the grade standards to our Marketing Order is to make the importation of Ugly Ripes from Mexico easier. It is interesting to note that the worker protection standards south of the border are nil at best.

Regards,



David Neill

JDN/caa

Enclosures

# N.C. cites grower for pesticide practices

*Officials say Ag-Mart didn't properly train and equip workers*

BY CHRISTINE STAPLETON  
*Palm Beach Post Staff Writer*

Ag-Mart, the Plant City-based tomato grower facing hundreds of pesticide violations in two states and a lawsuit filed by the parents of a child born without arms or legs, has again been cited for failing to protect workers in its fields.

Agriculture officials in North Carolina cited Ag-Mart for failing to properly train workers handling methyl bromide, provide proper safety equipment and label decontamination water unfit for drinking. Methyl bromide is a highly hazardous soil fumigant used to kill pests and diseases.

North Carolina agriculture investigators visited Ag-Mart's farm in Currier, N.C. in March after a worker complained to a lawyer from the North Carolina Justice Center that protective equipment was not provided to workers when fields were fumigated several days earlier. The violation names Jeffrey A. Oxley, Ag-Mart's regional manager, who also is named in a 2005 case that involves 369 violations against the company.

Among the 2005 violations, Oxley told investigators that company President Don Long instructed him to burn plastic containers and bags in a field. Oxley said that they knew that they should not burn pesticide containers, but that Long told them to stop sending containers to the landfill and to burn them on site. Ag-Mart faces a \$184,500 fine in that case.

Also in 2005, Florida agriculture officials cited the company for 88 pesticide violations at its Florida farms and fined the company \$111,200. Settlement negotiations broke down earlier this year after the company offered to pay a \$25,000 fine and admit to seven of the 88 violations. An administrative judge is expected to rule later this year.

Health officials in both states also investigated the company last year after three women who worked in the company's fields gave birth to babies with birth defects. The Florida investigation found no link between the birth defects and the pesticides. North Carolina health officials found there was evidence that the women's work environment likely put them at an increased risk of overexposure to pesticides.

Ag-Mart spokesman Leo Bottary said Thursday that the company did not wish to comment on the new cases in North Carolina because a hearing has been scheduled for Aug. 28 on a resolution in the 2005 case there. Ag-Mart is known for its Ugly Ripe and Santa Sweet grape tomato.

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